

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

MICHAEL WATSON, INDIVIDUALLY,  
AND AS FATHER AND NEXT FRIEND OF  
JOHN WATSON,

Plaintiff,

v.

ELECTROLUX PROFESSIONAL  
OUTDOOR PRODUCTS, INC.,

Defendant.

CIVIL ACTION  
NO: 04-11782DPW

**PLAINTIFF'S OPPOSITION TO THE DEFENDANT, ELECTROLUX PROFESSIONAL  
OUTDOOR PRODUCTS, INC.'S, MOTION TO PRECLUDE EXPERT TESTIMONY  
AND FOR SUMMARY JUDGMENT**

The Plaintiff, Michael Watson, individually and as father and next friend of John Watson, hereby opposes the Defendant, Electrolux Professional Outdoor Products, Inc.'s, Motion to Preclude Expert Testimony and for Summary Judgment. As grounds for his opposition, the Plaintiff states that his expert mechanical engineer is qualified by education, training and experience to offer opinions at trial that will assist the trier of fact to understand the evidence and to determine the facts in issue. The Plaintiff further states that his expert's opinions are based on sufficient facts, are the product of reliable principles and methods, and that Plaintiff's expert applied the principles and methods reliably to the facts of the case. Consequently, the opinions to be offered by the Plaintiff's expert in this product liability case are admissible under Fed.R.Evid. 702 and 703. Where the Plaintiff can provide admissible evidence to the jury that the subject product is dangerous and defective in the form of expert testimony, Summary

Judgment should not be entered in favor of the Defendant.

Pursuant to Local Rule 56.1, Plaintiff has also filed, concurrent with this Opposition, a Concise Statement of the Material Facts to Which He Contends that there Exists a Genuine Issue to be Tried and a Memorandum in Support of Plaintiff's Opposition.

In further support of his Opposition, the Plaintiff has affixed the following exhibits to his Memorandum in Support of his Opposition:

**Exhibit 1:** Excerpts from the Deposition of Michael Watson;

**Exhibit 2:** Affidavit of Michael Watson;

**Exhibit 3:** Photographs of exemplar Partner k2300 saw;

**Exhibit 4:** Letter from Leslie N. Wilder, P.E., dated September 29, 2005;

**Exhibit 5:** Surgical Dictation from Boston Medical Center;

**Exhibit 6:** Affidavit of Leslie N. Wilder, P.E.;

**Exhibit 7:** Excerpts from the Deposition of Leslie L. Wilder, P.E.;

**Exhibit 8:** Letter from Leslie N. Wilder, P.E., dated March 24, 2006.

**Exhibit 9:** Excerpts from the Deposition of Sven Lennart Gustafsson.

WHEREFORE, the Plaintiff respectfully requests that this Court deny the Defendant's Motion to Preclude Expert Testimony and for Summary Judgment.

Respectfully submitted  
The Plaintiff  
By his attorneys

/s/ Jonathan E. Tobin  
Jonathan E. Tobin (641509)  
Thomas Drechsler (134840)  
FINNERAN BYRNE & DRECHSLER, LLP  
50 Redfield St.  
Boston, MA 02122  
617-265-3900

**CERTIFICATE OF SERVICE**

I, Jonathan E. Tobin, hereby certify that this document, filed through the ECF system, will be sent electronically to the registered participants as identified on the Notice of Electronic Filing and that paper copied will be sent to those indicated as non-registered participants on June 9, 2006.

/s/ Jonathan E. Tobin  
Jonathan E. Tobin